

Form 149

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Richard Bair
Debtor(s)

Bankruptcy Case No.: 18-21148-JAD
Issued Per Apr. 18, 2019 Proceeding
Chapter: 13
Docket No.: 66 - 59, 64
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 19, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ 1,716 as of May 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at, in*. If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Credit Acceptance at Claim No. 4 as pay in full .
- H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) *IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:*

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: April 22, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Richard Bair
 Debtor

Case No. 18-21148-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
Form ID: 149Page 1 of 2
Total Noticed: 21

Date Rcvd: Apr 22, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 24, 2019.

db +Richard Bair, 2603 Campbell Circle, West Mifflin, PA 15122-3503
 cr +Borough of West Mifflin/ West Mifflin School Distr, Goehring, Rutter & Boehm,
 437 Grant Street, Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6002
 cr +Credit Acceptance Corporation, 25505 W. 12 Mile Road, Ste 3000, Southfield, MI 48034-8331
 cr +Nationstar Mortgage, LLC d/b/a Mr. Cooper, 8950 Cypress Waters Boulevard,
 Coppell, TX 75019-4620
 14850812 +Borough of West Mifflin/ West Mifflin SD, Goehring, Rutter & Boehm,
 c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,
 Pittsburgh, PA 15219-6101
 14799086 +Cap One Auto, 3901 Dallas Pkwy, Plano, TX 75093-7864
 14950812 +Credit Acceptance, 25505 West Twelve Mile Rd, Suite 3000, Southfield MI 48034-8331
 14799087 +Goehring, Rutter & Boehm, 437 Grant Street 14th FL, Pittsburgh, PA 15219-6107
 14799088 +Jefferson Hospital, PO Box 643054, Pittsburgh, PA 15264-3054
 14799089 +KML Law Group, 701 Market St Ste 5000, Philadelphia, PA 19106-1541
 14799090 +Nationstar Mortgage, PO Box 619063, Dallas, TX 75261-9063
 14799091 +Nationstar Mortgage, PO Box 60516, City of Industry, CA 91716-0516
 14799093 +Nationstar Mortgage LLC, PO Box 9095, Temecula, CA 92589-9095
 14828753 +Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
 14799096 +PHH MORTGAGE CORPORATION, PO BOX 961252, Fort Worth, TX 76161-0252
 14815522 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14799095 +Peoples Natural Gas Company, LLC, c/o S. James Wallace, 845 North Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14799098 +Udren Law Offices, Woodcrest Corporate Center, 111 Woodcrest Road, Suite 200,
 Cherry Hill, NJ 08003-3620

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Apr 23 2019 02:52:26
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 14799094 +E-mail/PDF: cbp@onemainfinancial.com Apr 23 2019 02:52:20 Onemain Fi, Po Box 499,
 Hanover, MD 21076-0499
 14799097 +E-mail/PDF: gecscedi@recoverycorp.com Apr 23 2019 02:52:55 Syncb/old Navy, Po Box 965005,
 Orlando, FL 32896-5005

TOTAL: 3

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14824230* +Cap One Auto, 3901 Dallas Pkwy, Plano, TX 75093-7864
 14824231* +Goehring, Rutter & Boehm, 437 Grant Street 14th FL, Pittsburgh, PA 15219-6107
 14824232* +Jefferson Hospital, PO Box 643054, Pittsburgh, PA 15264-3054
 14824233* +KML Law Group, 701 Market St Ste 5000, Philadelphia, PA 19106-1541
 14824235* +Nationstar Mortgage, PO Box 60516, City of Industry, CA 91716-0516
 14824234* +Nationstar Mortgage, PO Box 619063, Dallas, TX 75261-9063
 14824237* +Nationstar Mortgage LLC, PO Box 9095, Temecula, CA 92589-9095
 14824236* +Nationstar Mortgage Lenders, 350 Highland Dr, Lewisville, TX 75067-4177
 14824238* +Onemain Fi, Po Box 499, Hanover, MD 21076-0499
 14824240* +PHH MORTGAGE CORPORATION, PO BOX 961252, Fort Worth, TX 76161-0252
 14824239* +Peoples Natural Gas Company, LLC, c/o S. James Wallace, 845 North Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14824241* +Syncb/old Navy, Po Box 965005, Orlando, FL 32896-5005
 14824242* +Udren Law Offices, Woodcrest Corporate Center, 111 Woodcrest Road, Suite 200,
 Cherry Hill, NJ 08003-3620
 14799092 #+Nationstar Mortgage Lenders, 350 Highland Dr, Lewisville, TX 75067-4177

TOTALS: 0, * 14, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 21

Date Rcvd: Apr 22, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 24, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 22, 2019 at the address(es) listed below:

Elizabeth Lamont Wassall on behalf of Creditor Nationstar Mortgage, LLC d/b/a Mr. Cooper
pabk@logs.com, ewassall@logs.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage, LLC d/b/a Mr. Cooper
bkgroup@kmllawgroup.com
Jeffrey R. Hunt on behalf of Creditor Borough of West Mifflin/ West Mifflin School District
jhunt@grblaw.com, cnoroski@grblaw.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr. on behalf of Debtor Richard Bair ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Ronda J. Winnecour cmeccf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com
William E. Craig on behalf of Creditor Credit Acceptance Corporation ecfmail@mortoncraig.com,
mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 8